

While the importance of protecting copyrighted works can not be neglected, neither can the value of consumer's fair use copyright rights. The entertainment industry has already been attempting to eradicate consumer fair use rights through mandatory "digital-rights-management" schemes that protect only their rights to the utter exclusion of the consumer's rights.

Fair use clearly allows, and has for decades, a personal-use archival copy of any purchased copyrighted material, such as books, videotapes, audiotapes and CD's. But in recent media formats, such as DVD and copy-protected CD's (which are illegal to actually call CD's as they violate the patent and license of the CD logo), the entertainment industry has blatantly violated consumer rights by prohibiting the creation of an archival copy, or the ability to transfer the legitimately purchased material between different formats, such as playing purchased CD audio on a portable MP3 player.

The inclusion of a mandatory 'flag' in HD content would further erode consumer rights which are already under attack from many sides. As established in the history of VHS, timeshifting is a legitimate act protected under fair use. This flag would allow broadcasters to prohibit timeshifting by commanding the electronics to not record a show for later viewing, putting the system in conflict with existing court rulings.

The only result of this system will be a series of expensive lawsuits to re-prove the existing legal position, wasting taxpayer moneys.

This system will do nothing to prevent piracy, just as CSS does nothing for DVD piracy and copy-protected CD's are often defeated by holding down the 'shift' key or using a magic marker!